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EXECUTIVE COMMITTEE DECIDES THERE IS NO ELECTION CONTEST

Sustains the Contention that
Notice Was Not Given in
Time—Will Appeal.

By a vote of 8 to 11 the executive committee as a whole voted Tuesday afternoon that there was no election contest. The voting on that issue came as the last proceedings of the meeting called Tuesday afternoon by chairman Tom Lea for the purpose of reviewing the testimony and findings of the subcommittee which had been appointed by the executive committee to hear the witnesses in the contest. Before submitting the proposition as to whether or not the contest should be held, the committee heard the testimony of Judge Seymour Thurmund, representing the contestants, and Judge T. A. Falvey, attorney for the contestants, to argue the points of law involved.

As was contended by Judge Falvey at the inception of the appointment of the subcommittee, the contestants argued that there could be no contest for the reason that the contestants had failed to file the notice of their contest with the county clerk within the 5 days specified by law. For that reason the judge contended that the committee did not have jurisdiction of the contest. The argument of Judge Thurmund on behalf of the contestants was to the effect that the article cited by the judge in support of his claims did not govern the case. He made an appeal to the maphood and honesty of the committee in calling on them to vote against the motion to oust the contest. After the arguments of the counsel which consumed considerable time, chairman Lea put the issue to a vote, and the motion was carried.

Three Days to Prepare Appeal.
Following the action of the executive committee, Judge Thurmund has three days within which to prepare and file an appeal in one of the district courts. He was asked Tuesday if he then wanted to give notice of appeal. The contestants are determined to carry the contest to the higher courts, it is said.

Aside from reading the recommendation of the majority of the subcommittee Tuesday afternoon, no other matters were brought up by the members of the executive committee. When the meeting was called to order, Judge Thurmund raised a point of objection to the seating of S. C. McVey, Jacinto Porras, and Ramon Gomez on the grounds that they were election judges and candidates on the tickets when elected as committee members. Judge Falvey contended the contested committee had the right to vote on the question of the contest inasmuch as it did not touch their own individual cases. Judge Thurmund held the contrary view. When put to a vote the question as to whether they were entitled to seats resulted in a tie. Chairman Lea casting the deciding vote.

Following C. W. Marshall's motion to the effect that the ballot boxes from some of the precincts be thrown out, the question as to the right of the three contested committees to serve was again raised as an issue. When it was voted on for the second time, chairman Lea omitted their names, and Judge Peyton F. Edwards objected to it.

"That is the ruling of the chair," said Lea.

"There are others here besides the chair," said the judge, "and if you do not call their names I will." He proceeded to do so. The three committee members voted in their own favor. They

were S. P. McVey, Jacinto Porras and Ramon Gomez.

The only incident that caused any surprise occurred when a ring man voted with the anti on two propositions. The first time he did so, the ring man in the court room lifted their heads, and gazed at him in amazement. However the second time he did so, Judge Edwards left his seat and went over to talk to him. About that time John Wyatt rose, and calling to the judge told him he wanted to see him a minute. Judge Edwards remained to talk to his man, and when he left him, he voted as the ring men did.

The Meeting.

Chairman Lea called the meeting to order at 2:40 o'clock Tuesday afternoon. C. W. Marshall as secretary, called the roll. Those present were: D. D. James, Conners, precinct No. 1; D. D. Marshall, precinct 2; Ramon Gomez, precinct 3; Canuto Campa, 4; Page Kemp, 5; Jacinto Porras, 6; John H. Vazquez, 7; John M. Wyatt, 11; C. W. Marshall, 12; J. W. Yard, 13; S. C. McVey, 14; George Buchanan, Yuleta; Andres Holguin, 17; L. Madrid, 18; John Colum, 19; C. T. Smith, 20; W. H. Hinchey, 21; S. B. Gillett, 22; C. B. Hamilton, 23.

Chairman Lea said: "This meeting has been called to order pursuant to an agreement entered into some time ago. After hearing the witnesses, we have called the meeting. The seats of Porras, McVey and Gomez are being contested."

There is a report here signed by your chairman and two members of the committee. I will state that Judge Edwards and Judge Falvey have not signed the recommendation.

Objects to Committee.

Seymour Thurmund, representing the contestants, entered a protest against S. C. McVey, Ramon Gomez and Jacinto Porras sitting on the committee. He contended that the two committees could not vote on their own seats. He argued that they should be held disqualified to serve in passing on the contest.

Chairman Lea stated that he himself could hold the contestants in this instance disqualified, but preferred to let the matter come up later. In answer to Mr. Thurmund's argument, Judge T. A. Falvey, attorney for the contestants, argued that the committee in question were qualified to vote on any question which did not touch their individual cases.

Mr. Marshall then read the recommendation presented by the majority members of the subcommittee Tuesday morning.

The Ring's Contention.

Judge Falvey stated to the executive committee that the contestants contended that there was no contention for the reason that the law governing the filing of the notice of contest within five days had not been complied with. These facts were embodied in an affidavit of Chris Arana, acting county clerk, who refused to surrender the ballot boxes when they were demanded by the subcommittee some time ago. The affidavit was read to the committee by Judge Falvey.

Attorney Thurmund insisted that S. C. McVey, Jacinto Porras and Ramon Gomez were not qualified to serve. The contestants, he contended, were attacked on the same grounds as were those of the contestants.

"They admit that their seats are dependent on the same facts as those of the contestants," said Mr. Thurmund. "The chairman has the right to settle that matter. I appeal to the committee. There is not a man on the committee who wants to act fairly who would want to vote on his own case."

Differences of Opinion.

Judge Falvey: "The question that arises here is the proposition of law—whether there is a contest or not. There is no contest here for any one here to pass on."

Chairman Lea: "If you will pardon

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HOUSTON WINS THE TEXAS PENNANT

Season Has Been One of Financial Loss Majority of Teams.

Austin, Tex., Sept. 4.—Houston having won the pennant in the Texas league, president Wilbur All called a meeting of the auditing committee here today to go over the financial affairs of the league.

With the exception of Dallas and possibly Houston none of the teams in the league this season have, it is believed, made any money out of baseball. Dallas would not have had anything in the credit column, probably, had it not been for the sale of players to the majors.

Beaumont is the only club in the league about which there might be speculation as to whether or not there was a profit on the season's business. While the Oilers were well up toward the front the attendance at games in Beaumont was larger than at any other place around the circuit. During these times of good business the management of the club sailed away several thousand dollars above expense.

Taken all around the season has been one of financial loss for the majority of the clubs.

STANDING OF TEXAS TEAMS AT END OF THE SEASON.

	P.	W.	L.	Pct.
Houston	139	87	52	.626
San Antonio	141	84	57	.596
Waco	145	82	62	.562
Dallas	140	73	67	.521
Austin	135	66	79	.455
Galveston	123	59	79	.428
Port Worth	140	59	81	.422
Beaumont	141	55	85	.397

MICHIGAN GUARDS CAMP AT STATE PENITENTIARY

Jackson, Mich., Sept. 4.—Five companies of Michigan National Guardsmen with loaded rifles are camped within and outside the walls of the state penitentiary. The convicts who are alleged to have been responsible for the outbreak are locked up in the heart of the prison, many of them being chained to their cells.

Every convict was in custody last night and not a single prisoner was bodily hurt, according to the warden, Nathan Simpson. He admitted that during the riot one convict, a trusty, was wounded in the arm as a result of a misunderstanding, but he denied reports that two men were seriously shot and that three had escaped.

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MAYHILL MAN SELLS RANCH TO OKLAHOMAN

Mayhill, N. M., Sept. 4.—H. B. Ellenwood has sold his ranch in lower James to W. M. Herndon, of Oklahoma, for \$4000. Mr. Ellenwood has lived here many years. He will go to Oregon or Colorado to locate.

Bernard Cleve, son of B. Cleve, of Elk has left for Mesilla Park.

Some of the farmers are getting ready to haul their cabbage to the railroad for shipment to El Paso.

School commences here September 3. Robert S. White is the teacher. The school is to continue five months.

W. C. Browning and family will move to Alamogordo next week to send their children to school there.

Han Potter and family have moved to Hope to enter their two boys in school at that place.

Tom Bell has left for Abilene, Texas, to attend school.

Farmers are busy with their third cutting of alfalfa.

C. M. Bell is getting ready to build a house in the lower James canyon.

Rev. J. D. Burleson, of Lockney, Texas, is holding an extended Christian meeting here and has baptized five new members.

Rev. J. D. Trent and Rev. H. O. Tamer will hold a debate here on the subject of the "Kingdom," the meetings to commence October 16 and to continue five days.

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By Tom McNamara

